

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

NEDOLANDEZ SANTOS	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION 11-0059-CG-M
ALABAMA DEPARTMENT OF	:	
CORRECTIONS, <u>et al.</u> ,	:	
Defendants.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that the plaintiff's motion for permission to appeal *in forma pauperis* is hereby **DENIED** because the appeal is frivolous and not taken in good faith.

Notwithstanding Plaintiff's indigent status or the denial of permission to proceed on appeal *in forma pauperis*, because Plaintiff is a prisoner, 28 U.S.C. § 1915 (as amended by the Prison Litigation Reform Act) requires payment of the full amount of the filing fee. After a review of Plaintiff's prisoner account statement for the most recent twelve-month period (Doc. 50), the Court **DIRECTS** the Commissioner of the Alabama Department of Corrections or his designee to withdraw twenty percent of the preceding month's income credited to the prisoner's inmate account and to remit that amount to the District Court Clerk each time the amount in the account exceeds \$10.00 until the total filing fee of \$455.00

has been paid in full. These payments shall clearly identify Plaintiff's name and the case number assigned to this action, and shall be paid by check made payable to "Clerk, U. S. District Court." The Clerk is **DIRECTED** to send the Commissioner of the Alabama Department of Corrections and the business manager of the institution where Plaintiff is incarcerated a copy of this Order.

DONE and ORDERED this 30th day of June, 2011.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE